

SHER TREMONTE LLP

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March 13, 2015

BY ECF & FAX

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007
Fax: 212.805.7986

MEMO ENDORSED**The Application is granted.****SO ORDERED:**

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: *March 19, 2015*

The discovery deadline is extended by thirty days for the purpose of taking Mr. Chauvet's deposition. The Clerk will terminate the motion (DKT. No. 103).

Re: Hanna Bouveng v. NYG Capital LLC, et al.
(Case No. 14 Civ. 5474 (PGG))

Dear Judge Gardephe:

We write on behalf of Defendants Benjamin Wey, NYG Capital LLC, and FNL Media LLC (the "Defendants") with respect to the scheduled deposition of James Chauvet Pursuant to Judge Freeman's order during a March 9, 2015 telephone conference, and consistent with the Court's rulings on March 6, Mr. Chauvet's deposition was scheduled to take place today at 10:00 a.m. in accordance with a subpoena accepted for Mr. Chauvet by Plaintiff's counsel on February 26, 2015.

Plaintiff's attorneys (who also represent Mr. Chauvet) informed us yesterday that they are unable to locate Mr. Chauvet and cannot produce him for his scheduled deposition as they had represented they would. Plaintiff's counsel has directed Defendants to attempt to serve a subpoena directly on Mr. Chauvet and have no objection to extending discovery to allow Defendants to take Mr. Chauvet's deposition.

As the Court may recall, Mr. Chauvet is a critical witness in this matter whom Plaintiff's counsel noticed (but did not call) for the preliminary injunction hearing. Plaintiff's counsel has also indicated that Mr. Chauvet is likely to testify at trial.

Defendants respectfully request that the Court extend the discovery deadline by 30 days so that Defendants may locate, subpoena and depose Mr. Chauvet. The parties are currently scheduled to attend a status conference on March 19 at 10 a.m. should the Court wish to address this matter in person.

Hon. Paul G. Gardephe

March 12, 2015

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Respectfully submitted,

/s/ Justin M. Sher

Justin M. Sher

Mark Cuccaro

cc: Hon. Debra Freeman
David Ratner, Esq. (by email and ECF)